

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 814073526 US, on the date shown below in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 29, 2006

Signature: _____

(Grace Yu)

Docket No.: 511582003500
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:
Mary FARIS et al.

Application No.: 09/809,638

Confirmation No.: 5083

Filed: March 14, 2001

Art Unit: 1643

For: 125P5C8: A TISSUE SPECIFIC PROTEIN
HIGHLY EXPRESSED IN VARIOUS
CANCERS

Examiner: A. Harris

RENEWED PETITION UNDER RULE 37 CFR §1.183

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR §1.183, assignee and real-party-in-interest, Agensys, Inc. and co-inventors Pia M. CHALLITA-EID, Daniel E.H. AFAR, Arthur B. RAITANO, and Aya JAKOBOVITS respectfully state that co-inventor Mary FARIS refuses to participate in the prosecution of the present case by signing the proffered Declaration under 37 C.F.R. § 1.131, and requests that the Declaration be accepted without the signature of one of the co-inventors, Mary FARIS.

The pending claims and Declaration under 37 C.F.R. § 1.131 were presented to Mary FARIS for review and execution. Inventor FARIS refused to execute the papers. Below is a brief description of attempts made to contact Mary Faris regarding the Declaration.

1. On January 27, 2006 the Declaration was sent to her via UPS (copy attached as Exhibit A). UPS on-line tracking details indicates that this package was delivered on January 31, 2006 (copy attached as Exhibit B).

2. On February 6, 2006 a telephone message was left at Mary FARIS' residence regarding the Declaration sent to her on January 27, 2006 via UPS. She was asked to return the call and to state status of execution.

3. On February 7, 2006 a second attempt to contact inventor FARIS via telephone was made. Because no one answered, a message was left requesting inventor FARIS to return the call.

4. On February 9, 2006, a third attempt to contact inventor FARIS via telephone was made. Again, no one answered and another message was left requesting inventor FARIS to return the call.

5. On February 13, 2006, a fourth telephonic attempt to contact inventor FARIS was made. Again, no one answered and a fourth message was left requesting inventor FARIS to return the call.

6. On February 14, 2005, a second copy of the package, which enclosed the Declaration, previously sent on January 27, 2006 via UPS, was sent again via UPS to inventor FARIS (copies attached as Exhibit C). UPS on-line tracking details indicates that this package was delivered on February 15, 2006 (copy attached as Exhibit D).

7. On February 23, 2006, a fifth telephonic message was left requesting inventor FARIS to confirm receipt of the package delivered by UPS on February 15, 2006.

8. In addition, attached as Exhibit E is a collection of e-mails documenting the telephonic attempts to contact inventor FARIS. Attached as Exhibit F is a copy of the Assignment signed by all inventors including Mary FARIS and recorded with the USPTO. Attached as Exhibit

G, is a copy of the original Declaration as it was filed and signed by all inventors including Mary FARIS.

Mary FARIS' last known residential address and telephone number is:

2538 Almaden Court
Los Angeles, California 90077
Residence telephone: (310) 859-8508

This also is believed to be her current residential address, and telephone number.

Kindly accept this petition under 37 CFR §1.183, and issue a notice of same.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 511582003500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: September 29, 2006

Respectfully submitted,

By 

James J. Mullen III, Ph.D.

Registration No.: 44,957

MORRISON & FOERSTER LLP

12531 High Bluff Drive

Suite 100

San Diego, California 92130-2040

(858) 720-7940

UPS 2nd Day Air³

Shipping Document

See instructions on back. Visit UPS.com or call 1-800-PICK-UPS® (800-742-5877) for additional information and Terms and Conditions.

TRACKING NUMBER 1Z A11 70R 37 1000 968 6

SHIPMENT FROM

SHIPPER'S UPS ACCOUNT NO. A 1 1 7 0 R

REFERENCE NUMBER

51158-20035.00

NAME TELEPHONE
Jim Mullen 858-720-5179COMPANY
MORRISON & FOERSTERSTREET ADDRESS
1231 HIGH BLUFF DR SUITE 100CITY AND STATE ZIP CODE
SAN DIEGO CA 92130 2040

DELIVERY TO

NAME TELEPHONE

Dr. Mary Faris

COMPANY

2538 Almaden Court

STREET ADDRESS DEPT./FLR.

Los Angeles CA 90077

CITY AND STATE ZIP CODE

90077



| | | | |
|--|---|---|---|
| 3 WEIGHT Enter "LTR" if Letter PAK | DIMENSIONAL WEIGHT If Applicable 0.31 lbs | LARGE AIR PACKAGE <input type="checkbox"/> | 4 SHIPPER RELEASE <input type="checkbox"/> |
|--|---|---|---|

| 5 2ND DAY AIR CHARGE | | CHARGES | |
|------------------------------|---|---|--|
| 6 | <input type="checkbox"/> SATURDAY PICKUP See instructions. | \$ | |
| OPTIONAL SERVICES | <input type="checkbox"/> DECLARED VALUE FOR CARRIAGE Contractors are automatically protected up to \$100. For declared value over \$100, see instructions. | \$ | |
| | <input type="checkbox"/> C.O.D. If C.O.D., enter amount to be collected and attach completed UPS C.O.D. tag to package. | \$ | |
| 7 ADDITIONAL HANDLING CHARGE | <input type="checkbox"/> An Additional Handling Charge applies for certain items. See instructions. | \$ | |
| TOTAL CHARGES | | \$ | |
| 8 METHOD OF PAYMENT | <input checked="" type="checkbox"/> BILL SHIPPER'S ACCOUNT NUMBER IN SECTION 1 | <input type="checkbox"/> BILL RECEIVER RECORD ACCOUNT NO. IN SECTION 9 | <input type="checkbox"/> CREDIT CARD American Express Diner's Club MasterCard Visa |
| | | <input type="checkbox"/> CHECK | |

| | |
|---|-----------------|
| 9 RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO. | EXPIRATION DATE |
| | |

| |
|----------------------------|
| THIRD PARTY'S COMPANY NAME |
| STREET ADDRESS |
| CITY AND STATE |
| ZIP CODE |

| | |
|------------------------|------------------|
| 10 SHIPPER'S SIGNATURE | DATE OF SHIPMENT |
| X [Signature] | 1/27/06 |

All shipments are subject to the terms contained in the UPS Tariff and Terms and Conditions of Service, which are available at UPS.com and local UPS offices.

0201911252609 1/05 MW

SHIPPER'S COPY

This form not needed with UPS Internet Shipping ups.com

BEST AVAILABLE COPY

MORRISON | FOERSTER

12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO
CALIFORNIA 92130-2040

TELEPHONE: 858.720.5100
FACSIMILE: 858.720.5125

WWW.MOFO.COM

MORRISON & FOERSTER LLP
NEW YORK, SAN FRANCISCO,
LOS ANGELES, PALO ALTO,
SAN DIEGO, WASHINGTON, D.C.
DENVER, NORTHERN VIRGINIA,
ORANGE COUNTY, SACRAMENTO,
WALNUT CREEK, CENTURY CITY
TOKYO, LONDON, BEIJING,
SHANGHAI, HONG KONG,
SINGAPORE, BRUSSELS

January 27, 2006

Writer's Direct Contact
(858) 720-7940
jmullen@mofo.com

VIA UPS

Dr. Mary Faris
2538 Almaden Court
Los Angeles, CA 90077

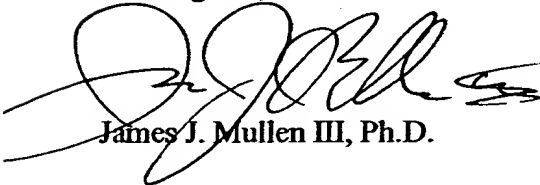
Re: US Patent Application Serial No. 09/809,638
For: 125P5C8: A TISSUE SPECIFIC PROTEIN HIGHLY EXPRESSED IN
VARIOUS CANCERS
By: Mary FARIS et al.
Our Reference: 51158-20035.00

Dear Dr. Faris:

Enclosed is a Declaration by Inventors under 37 C.F.R. § 1.131 in connection with the above-identified patent application. Please review the Declaration and if all is in order, sign and date where indicated, and return the document to us in the enclosed UPS return envelope.

This is an urgent matter. Accordingly, we would appreciate your prompt attention to the enclosed documents. I will be contacting you shortly to discuss the matter. In the meantime, if you have any questions or comments, please do not hesitate to contact us.

Best regards,



James J. Mullen III, Ph.D.

JJM/gly1
Enclosure

UPS Tracking No.: 1Z A11 7OR 37 1000 968 6

sd-298661

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Mary FARIS, et al.

Application No.: 09/809,638

Filed: March 14, 2001

For: 125P5C8: A TISSUE SPECIFIC PROTEIN
HIGHLY EXPRESSED IN VARIOUS
CANCERS

Art Unit: 1643

Examiner: A. Harris

DECLARATION BY INVENTORS
UNDER 37 C.F.R. § 1.131

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We, the undersigned, declare as follows:

1. We are co-inventors of claims 1, 14 and 23, currently pending in the above-referenced application. The claims relate to an isolated 125P5C8 protein comprising the sequence of SEQ ID NO: 2 or a polynucleotide sequence encoding the codons for SEQ ID NO: 2, which is exemplified by the nucleotide sequence of SEQ ID NO:1.

2. The Office rejected claims 1, 14 and 23 as allegedly being anticipated by WO 200270539 A2, which was filed March 5, 2002. This PCT application claims priority to U.S. Application No. 09/799,451, which was filed March 5, 2001, and is now U.S. Patent No. 6,783,989.

A copy of WO 200270539 was submitted in an Information Disclosure Statement provided in this application mailed on April 5, 2001. This document discloses sequence 1397 which is identical to SEQ ID NO: 2 of the present application.

3. We reduced the claimed invention to practice in the United States prior to the date U.S. Patent No. 6,783,989 was filed (March 5, 2001).

4. This reduction to practice is evidenced by a true and accurate copy of an email message sent to various members of the scientific staff by inventor Steve C. Mitchell on January 3, 2001. The email provides the nucleic acid and amino acid sequences of the material encompassed by the claims in the above-referenced patent application. A copy of this email is provided as Exhibit A.

5. The nucleotide sequence disclosed in Exhibit A consists of 2,103 nucleotides and 699 amino acids.

6. Exhibit B shows a comparison of the nucleotide sequence of SEQ ID NO:1 and the nucleotide sequence disclosed in Exhibit A. Every single nucleotide disclosed in SEQ ID NO:1 is present in the nucleotide sequence disclosed in Exhibit A. Accordingly, the email of Exhibit A clearly demonstrates the that nucleotide sequence of SEQ ID NO:1 was in our possession prior to the earliest priority date to which WO 200270539 (the cited art) is entitled to claim.

7. Exhibit C shows a comparison of the amino acid sequence of SEQ ID NO:2 and the amino acid sequence disclosed in Exhibit A. Every single amino acid residue disclosed in SEQ ID NO: 2 is present in the amino acid sequence disclosed in Exhibit A. Accordingly, the email of Exhibit A clearly demonstrates the that amino acid sequence of SEQ ID NO:2 was in our possession prior to the earliest priority date to which WO 200270539 (the cited art) is entitled to claim.

8. In view of the email provided as Exhibit A and the analysis of the sequences disclosed therein and shown in Exhibits B and C, we declare that the invention of the pending claims was reduced to practice in the United States prior to March 5, 2001, the earliest priority date available to the cited document.

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Date | Executed at | |
|-------|--------------|-------------------------|
| _____ | (City/State) | Aya JAKOBOVITS |
| _____ | (City/State) | Daniel E.H. AFAR |
| _____ | (City/State) | Steve Chappell MITCHELL |
| _____ | (City/State) | Pia M. CHALLITA-EID |
| _____ | (City/State) | Arthur B. RAITANO |
| _____ | (City/State) | Mary FARIS |

pp, Shane

om: Mitchell, Steve
nt: Wednesday, January 03, 2001 1:43 PM
: Scientists
bject: 125P5C8 reagents.

leagues,

Company reagent for 125P5C8 (124P1B7/139P3A1) is posted. It is a PCR based pCR2.1/TA clone(prostate) with three point
rences from the Japanese (colon) reported hypothetical sequence.
point are conserved for translation whereas the third point difference gives an amino acid change near the 3 prime end. This is
led with genomic sequencing.

P5C8(124P1B7/139P3A1) pCR2.1 subclone

TGACCTCGCTGTGGAGAGAAATCCTCTTGGAGTGGCTGCTGGGATGTGTTTCTTGGTCTCTCTACCATGACCTGGGACCGATG
TATTACTTTCCTTTGCAAACTAGAACTCACTGGGCTTGAAGGTTTATGATAGCATTCTTCTCCAATATTCCTAACAATTACT
TCTGGAATTTGGTTAAACAAGAGTGGATGCTAACCTGCTGAGGATAATCACTATTGGCAGCATAGCCTCCTTCCAGGCTCCA
XCCAACTTCGACTGATGTTCTTGGCTTGGGGTGTCTTCTCACTGATAGTGAAGCTGTGACTTGGTGGTGGGGAAGTCAT
AAAGGTACCTCAGAATTTGGGGATTCATTTAGGACAGATTGTTCTTGTGTTCTACGCATATGGTATACCTCACTAAACCCAAT
SAGTTATCAGATGTCCAACAAAGTGATACTGACATTAAGTGCCATAGCCACACTTGATCGTATTGGCACAGATGGTGACTGCAG
CCTGAAGAAAAGAAGACTGGTGAGGTAGCCACGGGGATGGCCTCTAGACCCAACCTGGCTGCTGGCAGGGGCTGCTTTTGGT
TGTGTTCTCACCCTGGGTTTTTGGAGAAGTCTCTTGTTCAGATGGGGCAGTGAGTGGGCATCCACATCCAGGGCC
CCTAACCCATTTGGAGGTGCAGTACTGCTGTGCTTGGCAAGTGGATTGATGCTTCCATCTTGTGTTGGTTCGTGGTACTGG
ATCTGGTGGGTTACAGGAACAGCTTCAGCTGCGGGGCTCCTTACCTGCACACATGGGCAGCTGCTGTGTCTGGCTGTGTCT
CATCTTTACTGCTCATCCATGTGGCCCCAAACACTTGGACACCTTATTAAGTTTGTCCAGGAGGTGTCTACGCTAGAGAAAG
GATATTTTATCTTCTAGAAATATTTTCTGTGCTGGTGACAGCTTTAAGTTTGTCCAGGAGGTGTCTACGCTAGAGAAAG
SATGTGCTTTTGGGACAATGATGTTAATTATCGGGCTGAATATGCTATTGGTCTTAAGAAAACCTTGACTTGTCTTCTCAA
AAACAGTCTTAAAGTGTCTTTCAGAAAGAGTGAAAAATACATGAAACTTTTCTGTGGCTGCTTGTGGTGTGGGATTGTGG
GGACTACGGCATAAAGCCTATGAGAGAAAAGTGGGCAAGTGGCACCAACCAAGAGGTCTCTGCTGCCATCTGGCCTTTC
ITGGATATGACAATGAAGGGTGGTCTAGTCTAGAAAGATCAGCTCACTGCTCAATGAAACAGGTGCAGATTTCATAACAATT
GAGTGATGCTTCTAAGCCCTATATGGGGAACAATGACTTAACCATGTGGCTAGGGCAAAAGTTGGGTTCTATACAGACTTT
CAAGCACAAGGTATCACACTTGGGGGATTATGGCTTTGTCAAGATACCCAATTGTGAAATCTGAGCATCACTTCTTCCGTCA
AGGGCGAGATCGCACCAAGCCATCACATTGACCGTTAACATTTCCGGCAAGCTGGTGGATTGTGCTGTGACACACTTTGGGAA
AAGATGACCTCGACAGGAAAGTGCAGGCTATTGCTTTCAAACTACTGAAAAGTAGCTCTAATCAAGTGATATTCTGGG
TCACTTCAGCACTGGCTCCAGAGATTATCTACAGCTCACTGAACATGGCAATGTGAAGGATATCGACAGCACTGATCATGA
GGTGTGAATACATTATGTATCGAGGGCTGATCAGGTTGGGTTATGCAAGAATCTCCCATGCTGAAGTGAAGTATTGAGAAAT
TGGCAAAATTTAGGATCCCTGATGACCCCACTAATTATAGAGACAACAGAAAGTGGTCATAGACCACAGAGAAGTTTCTGA
TTCATTTTAATCCAGATTGGATCTACAAAGAAGGACACAATTATGAAAACAACCATCATTTTCATATGAATACTCCCAAAT
TATGAAAC

C8(124P1B7/139P3A1) pCR2.1 subclone

REILLESLLGCYSWSLYHDLGPMIYFPLQTLTLELGEFSIAFLSPIFLTITPFWKLYNKKWMLTLLRIITIGSIASFOAPNAKLRLM
SSSLIVQAVTWWSGSHLQRYLRWGFILGQMLVLRWYTSLNPIWSYQMSNKKVILLSAIALDRIGTDGDCSKPEEKKTGEVA
PNWLLAGAAFGSLVFLTHWVFGEVSLVSRWAVSGHPHPGDPNPFGGAVLLCLASGLMLPSCLWFRGTGLIWWVTGTASAA
TWAAAVSGCVFAIFTASIMWPQTLGHLINSGTNPCKMTIAMIFYLLEIFFCAWCTAFKFPVGGVYARERSOVLGTMMLIIGLNL
LDLLQTKNSKVLFRKSEKYMQLFLWLLVGVGLGLGRHKAYERKLGKVAPTKEYSAIWPFRFGYDNEGWSLERSAHL
FITLESADSKPYMGNNDLTMWLGEKLGFTYDFGPSTRYHTWGIMALSRYPIVKSEHLLPSPEGEIAPATLTVINISGLVDFV
EDDLDRKLQAIIVSKLLKSSSNQVIFLGYTSAPGSRDYLQLTEHGNVKDIDSTDHWRWCEYIMYRGURLGYARISHAELSDSEI
IPDDPTNYRDNQKVVIDHREVSEKIHFNPRFGSYKEGHYENNIHIFHMNTPKYFL

pell Mitchell
Scientist
ado Avenue
ca, CA 90404
10-8029 x281
20-8489
fe#@urogenesys.com
rgenesys.com

Exhibit B

A Comparison of SEQ ID NO.:1 and the Nucleotide Sequence of the Email

atgacctcgc tgtggagaga aatcctcttg gagtcgctgc tgggatgtgt ttcttggtct SID#1
|||||
cg atgacctcgc tgtggagaga aatcctcttg gagtcgctgc tgggatgtgt ttcttggtct Email

ctctaccatg acctgggacc gatgatctat tactttcctt tgcaaactcact agaactcact SID#1
|||||
ctctaccatg acctgggacc gatgatctat tactttcctt tgcaaactcact agaactcact Email

gggcttgaag gtttttagtat agcatttctt tctccaatat tcctaacaat tactcctttc SID#1
|||||
gggcttgaag gtttttagtat agcatttctt tctccaatat tcctaacaat tactcctttc Email

tggaaattgg ttaacaagaa gtggatgcta accctgctga ggataatcac tattggcagc SID#1
|||||
tggaaattgg ttaacaagaa gtggatgcta accctgctga ggataatcac tattggcagc Email

atagcctcct tccaggctcc aaatgccaaa cttcgactga tggttcttgc gcttgggggtg SID#1
|||||
atagcctcct tccaggctcc aaatgccaaa cttcgactga tggttcttgc gcttgggggtg Email

tcttcctcac tgatagtga agctgtgact tgggtggctcg gaagtcattt gcaaaggtag SID#1
|||||
tcttcctcac tgatagtga agctgtgact tgggtggctcg gaagtcattt gcaaaggtag Email

ctcagaattt ggggattcat tttaggacag attgttcttg ttgttctacg catatggtat SID#1
|||||
ctcagaattt ggggattcat tttaggacag attgttcttg ttgttctacg catatggtat Email

acttcactaa acccaatctg gagttatcag atgtccaaca aagtgatact gacattaagt SID#1
|||||
acttcactaa acccaatctg gagttatcag atgtccaaca aagtgatact gacattaagt Email

gccatagcca cacttgatcg tattggcaca gatggtgact gcagtaaacc tgaagaaaag SID#1
|||||
gccatagcca cacttgatcg tattggcaca gatggtgact gcagtaaacc tgaagaaaag Email

aagactgggtg aggtagccac ggggatggcc tctagacca actggctgct ggcaggggct SID#1
|||||
aagactgggtg aggtagccac ggggatggcc tctagacca actggctgct ggcaggggct Email

gcttttggtg gccttggtt cctcaccac tgggtttttg gagaagtctc tcttgtttcc SID#1
|||||
gcttttggtg gccttggtt cctcaccac tgggtttttg gagaagtctc tcttgtttcc Email

Exhibit B

A Comparison of SEQ ID NO.:1 and the Nucleotide Sequence of the Email

agatgggcag tgagtgggca tccacatcca gggccagatc ctaaccatt tggaggtgca SID#1
||||| ||||| ||||| ||||| ||||| |||||
agatgggcag tgagtgggca tccacatcca gggccagatc ctaaccatt tggaggtgca Email

gtactgctgt gcttggcaag tggattgatg cttccatctt gtttgtggtt tcgtggtact SID#1
||||| ||||| ||||| ||||| ||||| |||||
gtactgctgt gcttggcaag tggattgatg cttccatctt gtttgtggtt tcgtggtact Email

ggtttgatct ggtgggttac aggaacagct tcagctgcgg ggctccttta cctgcacaca SID#1
||||| ||||| ||||| ||||| ||||| |||||
ggtttgatct ggtgggttac aggaacagct tcagctgcgg ggctccttta cctgcacaca Email

tgggcagctg ctgtgtctgg ctgtgtcttc gccatcttta ctgcatccat gtggcccca SID#1
||||| ||||| ||||| ||||| ||||| |||||
tgggcagctg ctgtgtctgg ctgtgtcttc gccatcttta ctgcatccat gtggcccca Email

acacttgac accttattaa ctcagggaca aaccctggga aaaccatgac cattgccatg SID#1
||||| ||||| ||||| ||||| ||||| |||||
acacttgac accttattaa ctcagggaca aaccctggga aaaccatgac cattgccatg Email

atattttatc ttctagaaat attttctgt gcctggtgca cagcttttaa gtttgtccca SID#1
||||| ||||| ||||| ||||| ||||| |||||
atattttatc ttctagaaat attttctgt gcctggtgca cagcttttaa gtttgtccca Email

ggaggtgtct acgctagaga aagatcagat gtgcttttgg ggacaatgat gtttaattatc SID#1
||||| ||||| ||||| ||||| ||||| |||||
ggaggtgtct acgctagaga aagatcagat gtgcttttgg ggacaatgat gtttaattatc Email

gggctgaata tgctatttgg tcctaagaaa aaccttgact tgcttcttca aacaaaaaac SID#1
||||| ||||| ||||| ||||| ||||| |||||
gggctgaata tgctatttgg tcctaagaaa aaccttgact tgcttcttca aacaaaaaac Email

agttctaaag tgcttttcag aaagagtga aaatacatga aacttttct gtggctgctt SID#1
||||| ||||| ||||| ||||| ||||| |||||
agttctaaag tgcttttcag aaagagtga aaatacatga aacttttct gtggctgctt Email

gttgggtggtg gattgttggg attaggacta cggcataaag cctatgagag aaaactgggc SID#1
||||| ||||| ||||| ||||| ||||| |||||
gttgggtggtg gattgttggg attaggacta cggcataaag cctatgagag aaaactgggc

Exhibit B**A Comparison of SEQ ID NO.:1 and the Nucleotide Sequence of the Email**

| | | | | | | |
|------------|------------|------------|------------|------------|------------|-------|
| aaagtggcac | caaccaaaga | ggtctctgct | gccatctggc | ctttcaggtt | tggatatgac | SID#1 |
| | | | | | | |
| aaagtggcac | caaccaaaga | ggtctctgct | gccatctggc | ctttcaggtt | tggatatgac | Email |
| | | | | | | |
| aatgaagggt | ggtctagtct | agaaagatca | gctcacctgc | tcaatgaaac | aggtgcagat | SID#1 |
| | | | | | | |
| aatgaagggt | ggtctagtct | agaaagatca | gctcacctgc | tcaatgaaac | aggtgcagat | Email |
| | | | | | | |
| ttcataacaa | ttttggagag | tgatgcttct | aagccctata | tggggaacaa | tgacttaacc | SID#1 |
| | | | | | | |
| ttcataacaa | ttttggagag | tgatgcttct | aagccctata | tggggaacaa | tgacttaacc | Email |
| | | | | | | |
| atgtggctag | gggaaaagtt | gggtttctat | acagactttg | gtccaagcac | aaggatcac | SID#1 |
| | | | | | | |
| atgtggctag | gggaaaagtt | gggtttctat | acagactttg | gtccaagcac | aaggatcac | Email |
| | | | | | | |
| acttggggga | ttatggcttt | gtcaagatac | ccaattgtga | aatctgagca | tcaccttctt | SID#1 |
| | | | | | | |
| acttggggga | ttatggcttt | gtcaagatac | ccaattgtga | aatctgagca | tcaccttctt | Email |
| | | | | | | |
| ccgtcaccag | agggcgagat | cgcaccagcc | atcacattga | ccgttaacat | ttcgggcaag | SID#1 |
| | | | | | | |
| ccgtcaccag | agggcgagat | cgcaccagcc | atcacattga | ccgttaacat | ttcgggcaag | Email |
| | | | | | | |
| ctggtggatt | ttgtcgtgac | acactttggg | aaccacgaag | atgacctcga | caggaaactg | SID#1 |
| | | | | | | |
| ctggtggatt | ttgtcgtgac | acactttggg | aaccacgaag | atgacctcga | caggaaactg | Email |
| | | | | | | |
| caggctattg | ctgtttcaaa | actactgaaa | agtagctcta | atcaagtgat | atttctggga | SID#1 |
| | | | | | | |
| caggctattg | ctgtttcaaa | actactgaaa | agtagctcta | atcaagtgat | atttctggga | Email |
| | | | | | | |
| tatatcactt | cagcacctgg | ctccagagat | tatctacagc | tcactgaaca | tggcaatgtg | SID#1 |
| | | | | | | |
| tatatcactt | cagcacctgg | ctccagagat | tatctacagc | tcactgaaca | tggcaatgtg | Email |
| | | | | | | |
| aaggatatcg | acagcactga | tcatgacaga | tggtgtgaat | acattatgta | tcgagggctg | SID#1 |
| | | | | | | |
| aaggatatcg | acagcactga | tcatgacaga | tggtgtgaat | acattatgta | tcgagggctg | Email |
| | | | | | | |
| atcaggttgg | gttatgcaag | aatctcccat | gctgaactga | gtgattcaga | aattcagatg | SID#1 |
| | | | | | | |
| atcaggttgg | gttatgcaag | aatctcccat | gctgaactga | gtgattcaga | aattcagatg | |

Exhibit B**A Comparison of SEQ ID NO.:1 and the Nucleotide Sequence of the Email**

gcaaaattta ggatccctga tgacccact aattatagag acaaccagaa agtggtcata SID#1
||||||| ||||||| ||||||| ||||||| ||||||| |||||||
gcaaaattta ggatccctga tgacccact aattatagag acaaccagaa agtggtcata Email

gaccacagag aagtttctga gaaaattcat tttaatcca gatttggatc ctacaaagaa SID#1
||||||| ||||||| ||||||| ||||||| ||||||| |||||||
gaccacagag aagtttctga gaaaattcat tttaatcca gatttggatc ctacaaagaa Email

ggacacaatt atgaaaacaa ccatcatttt catatgaata ctcccaaata ctttttatga SID#1
||||||| ||||||| ||||||| ||||||| ||||||| |||||||
ggacacaatt atgaaaacaa ccatcatttt catatgaata ctcccaaata ctttttatga Email

aac SID#1

|||

aac Email

Exhibit C**A Comparison of SEQ ID NO.:2 and the Nucleotide Sequence of the Email**

Met Thr Ser Leu Trp Arg Glu Ile Leu Leu Glu Ser Leu Leu Gly (SID #2)

| | | | | | | | | | | | | |
Met Thr Ser Leu Trp Arg Glu Ile Leu Leu Glu Ser Leu Leu Gly (Email)

Cys Val Ser Trp Ser Leu Tyr His Asp Leu Gly Pro Met Ile Tyr Tyr (SID #2)

| | | | | | | | | | | | | |
Cys Val Ser Trp Ser Leu Tyr His Asp Leu Gly Pro Met Ile Tyr Tyr (Email)

Phe Pro Leu Gln Thr Leu Glu Leu Thr Gly Leu Glu Gly Phe Ser Ile (SID #2)

| | | | | | | | | | | | | |
Phe Pro Leu Gln Thr Leu Glu Leu Thr Gly Leu Glu Gly Phe Ser Ile (Email)

Ala Phe Leu Ser Pro Ile Phe Leu Thr Ile Thr Pro Phe Trp Lys Leu (SID #2)

| | | | | | | | | | | | | |
Ala Phe Leu Ser Pro Ile Phe Leu Thr Ile Trp Pro Phe Trp Lys Leu (Email)

Val Asn Lys Lys Trp Met Leu Thr Leu Leu Arg Ile Ile Thr Ile Gly (SID #2)

| | | | | | | | | | | | | |
Val Asn Lys Lys Trp Met Leu Thr Leu Leu Arg Ile Ile Thr Ile Gly (Email)

Ser Ile Ala Ser Phe Gln Ala Pro Asn Ala Lys Leu Arg Leu Met Val (SID #2)

| | | | | | | | | | | | | |
Ser Ile Ala Ser Phe Gln Ala Pro Asn Ala Lys Leu Arg Leu Met Val (Email)

Leu Ala Leu Gly Val Ser Ser Ser Leu Ile Val Gln Ala Val Thr Trp (SID #2)

| | | | | | | | | | | | | |
Leu Ala Leu Gly Val Ser Ser Ser Leu Ile Val Gln Ala Val Thr Trp (Email)

Trp Ser Gly Ser His Leu Gln Arg Tyr Leu Arg Ile Trp Gly Phe Ile (SID #2)

| | | | | | | | | | | | | |
Trp Ser Gly Ser His Leu Gln Arg Tyr Leu Arg Ile Trp Gly Phe Ile (Email)

Leu Gly Gln Ile Val Leu Val Val Leu Arg Ile Trp Tyr Thr Ser Leu (SID #2)

| | | | | | | | | | | | | |
Leu Gly Gln Ile Val Leu Val Val Leu Arg Ile Trp Tyr Thr Ser Leu (Email)

Asn Pro Ile Trp Ser Tyr Gln Met Ser Asn Lys Val Ile Leu Thr Leu (SID #2)

| | | | | | | | | | | | | |
Asn Pro Ile Trp Ser Tyr Gln Met Ser Asn Lys Val Ile Leu Thr Leu (Email)

Ser Ala Ile Ala Thr Leu Asp Arg Ile Gly Thr Asp Gly Asp Cys Ser (SID #2)

| | | | | | | | | | | | | |
Ser Ala Ile Ala Thr Leu Asp Arg Ile Gly Thr Asp Gly Asp Cys Ser (Email)

Exhibit C**A Comparison of SEQ ID NO.:2 and the Nucleotide Sequence of the Email**

Lys Pro Glu Glu Lys Lys Thr Gly Glu Val Ala Thr Gly Met Ala Ser (SID #2)

| | | | | | | | | | | | | | | |
Lys Pro Glu Glu Lys Lys Thr Gly Glu Val Ala Thr Gly Met Ala Ser (Email)

Arg Pro Asn Trp Leu Leu Ala Gly Ala Ala Phe Gly Ser Leu Val Phe (SID #2)

| | | | | | | | | | | | | | | |
Arg Pro Asn Trp Leu Leu Ala Gly Ala Ala Phe Gly Ser Leu Val Phe (Email)

Leu Thr His Trp Val Phe Gly Glu Val Ser Leu Val Ser Arg Trp Ala (SID #2)

| | | | | | | | | | | | | | | |
Leu Thr His Trp Val Phe Gly Glu Val Ser Leu Val Ser Arg Trp Ala (Email)

Val Ser Gly His Pro His Pro Gly Pro Asp Pro Asn Pro Phe Gly Gly (SID #2)

| | | | | | | | | | | | | | | |
Val Ser Gly His Pro His Pro Gly Pro Asp Pro Asn Pro Phe Gly Gly (Email)

Ala Val Leu Leu Cys Leu Ala Ser Gly Leu Met Leu Pro Ser Cys Leu (SID #2)

| | | | | | | | | | | | | | | |
Ala Val Leu Leu Cys Leu Ala Ser Gly Leu Met Leu Pro Ser Cys Leu (Email)

Trp Phe Arg Gly Thr Gly Leu Ile Trp Trp Val Thr Gly Thr Ala Ser (SID #2)

| | | | | | | | | | | | | | | |
Trp Phe Arg Gly Thr Gly Leu Ile Trp Trp Val Thr Gly Thr Ala Ser (Email)

Ala Ala Gly Leu Leu Tyr Leu His Thr Trp Ala Ala Ala Val Ser Gly (SID #2)

| | | | | | | | | | | | | | | |
Ala Ala Gly Leu Leu Tyr Leu His Thr Trp Ala Ala Ala Val Ser Gly (Email)

Cys Val Phe Ala Ile Phe Thr Ala Ser Met Trp Pro Gln Thr Leu Gly (SID #2)

| | | | | | | | | | | | | | | |
Cys Val Phe Ala Ile Phe Thr Ala Ser Met Trp Pro Gln Thr Leu Gly (Email)

His Leu Ile Asn Ser Gly Thr Asn Pro Gly Lys Thr Met Thr Ile Ala (SID #2)

| | | | | | | | | | | | | | | |
His Leu Ile Asn Ser Gly Thr Asn Pro Gly Lys Thr Met Thr Ile Ala (Email)

Met Ile Phe Tyr Leu Leu Glu Ile Phe Phe Cys Ala Trp Cys Thr Ala (SID #2)

| | | | | | | | | | | | | | | |
Met Ile Phe Tyr Leu Leu Glu Ile Phe Phe Cys Ala Trp Cys Thr Ala (Email)

Phe Lys Phe Val Pro Gly Gly Val Tyr Ala Arg Glu Arg Ser Asp Val (SID #2)

| | | | | | | | | | | | | | | |
Phe Lys Phe Val Pro Gly Gly Val Tyr Ala Arg Glu Arg Ser Asp Val (Email)

Exhibit C**A Comparison of SEQ ID NO.:2 and the Nucleotide Sequence of the Email**

Leu Leu Gly Thr Met Met Leu Ile Ile Gly Leu Asn Met Leu Phe Gly (SID #2)
| | | | | | | | | | | | | | | |
Leu Leu Gly Thr Met Met Leu Ile Ile Gly Leu Asn Met Leu Phe Gly (Email)

Pro Lys Lys Asn Leu Asp Leu Leu Leu Gln Thr Lys Asn Ser Ser (SID #2)
| | | | | | | | | | | | | | | |
Pro Lys Lys Asn Leu Asp Leu Leu Leu Gln Thr Lys Asn Ser Ser (Email)

Lys Val Leu Phe Arg Lys Ser Glu Lys Tyr Met Lys Leu Phe Leu Trp (SID #2)
| | | | | | | | | | | | | | | |
Lys Val Leu Phe Arg Lys Ser Glu Lys Tyr Met Lys Leu Phe Leu Trp (Email)

Leu Leu Val Gly Val Gly Leu Leu Gly Leu Gly Leu Arg His Lys Ala (SID #2)
| | | | | | | | | | | | | | | |
Leu Leu Val Gly Val Gly Leu Leu Gly Leu Gly Leu Arg His Lys Ala (Email)

Tyr Glu Arg Lys Leu Gly Lys Val Ala Pro Thr Lys Glu Val Ser Ala Ala (SID #2)
| | | | | | | | | | | | | | | |
Tyr Glu Arg Lys Leu Gly Lys Val Ala Pro Thr Lys Glu Val Ser Ala Ala (Email)

Ile Trp Pro Phe Arg Phe Gly Tyr Asp Asn Glu Gly Trp Ser Ser (SID #2)
| | | | | | | | | | | | | | | |
Ile Trp Pro Phe Arg Phe Gly Tyr Asp Asn Glu Gly Trp Ser Ser (Email)

Leu Glu Arg Ser Ala His Leu Leu Asn Glu Thr Gly Ala Asp Phe Ile (SID #2)
| | | | | | | | | | | | | | | |
Leu Glu Arg Ser Ala His Leu Leu Asn Glu Thr Gly Ala Asp Phe Ile (Email)

Thr Ile Leu Glu Ser Asp Ala Ser Lys Pro Tyr Met Gly Asn Asn Asp (SID #2)
| | | | | | | | | | | | | | | |
Thr Ile Leu Glu Ser Asp Ala Ser Lys Pro Tyr Met Gly Asn Asn Asp (Email)

Leu Thr Met Trp Leu Gly Glu Lys Leu Gly Phe Tyr Thr Asp Phe Gly (SID #2)
| | | | | | | | | | | | | | | |
Leu Thr Met Trp Leu Gly Glu Lys Leu Gly Phe Tyr Thr Asp Phe Gly (Email)

Pro Ser Thr Arg Tyr His Thr Trp Gly Ile Met Ala Leu Ser Arg Tyr (SID #2)
| | | | | | | | | | | | | | | |
Pro Ser Thr Arg Tyr His Thr Trp Gly Ile Met Ala Leu Ser Arg Tyr (Email)

Pro Ile Val Lys Ser Glu His His Leu Leu Pro Ser Pro Glu Gly Glu (SID #2)
| | | | | | | | | | | | | | | |
Pro Ile Val Lys Ser Glu His His Leu Leu Pro Ser Pro Glu Gly Glu (Email)

Exhibit C**A Comparison of SEQ ID NO.:2 and the Nucleotide Sequence of the Email**

Ile Ala Pro Ala Ile Thr Leu Thr Val Asn Ile Ser Gly Lys Leu Val (SID #2)
 | | | | | | | | | | | | | | |
 Ile Ala Pro Ala Ile Thr Leu Thr Val Asn Ile Ser Gly Lys Leu Val (Email)

Asp Phe Val Val Thr His Phe Gly Asn His Glu Asp Asp Leu Asp Arg (SID #2)
 | | | | | | | | | | | | | | |
 Asp Phe Val Val Thr His Phe Gly Asn His Glu Asp Asp Leu Asp Arg (Email)

Lys Leu Gln Ala Ile Ala Val Ser Lys Leu Leu Lys Ser Ser Ser Asn (SID #2)
 | | | | | | | | | | | | | | |
 Lys Leu Gln Ala Ile Ala Val Ser Lys Leu Leu Lys Ser Ser Ser Asn (Email)

Gln Val Ile Phe Leu Gly Tyr Ile Thr Ser Ala Pro Gly Ser Arg Asp (SID #2)
 | | | | | | | | | | | | | | |
 Gln Val Ile Phe Leu Gly Tyr Ile Thr Ser Ala Pro Gly Ser Arg Asp

Tyr Leu Gln Leu Thr Glu His Gly Asn Val Lys Asp Ile Asp Ser Thr (SID #2)
 | | | | | | | | | | | | | | |
 Tyr Leu Gln Leu Thr Glu His Gly Asn Val Lys Asp Ile Asp Ser Thr (Email)

Asp His Asp Arg Trp Cys Glu Tyr Ile Met Tyr Arg Gly Leu Ile Arg (SID #2)
 | | | | | | | | | | | | | | |
 Asp His Asp Arg Trp Cys Glu Tyr Ile Met Tyr Arg Gly Leu Ile Arg (Email)

Leu Gly Tyr Ala Arg Ile Ser His Ala Glu Leu Ser Asp Ser Glu Ile (SID #2)
 | | | | | | | | | | | | | | |
 Leu Gly Tyr Ala Arg Ile Ser His Ala Glu Leu Ser Asp Ser Glu Ile (Email)

Gln Met Ala Lys Phe Arg Ile Pro Asp Asp Pro Thr Asn Tyr Arg Asp (SID #2)
 | | | | | | | | | | | | | | |
 Gln Met Ala Lys Phe Arg Ile Pro Asp Asp Pro Thr Asn Tyr Arg Asp (Email)

Asn Gln Lys Val Val Ile Asp His Arg Glu Val Ser Glu Lys Ile His (SID #2)
 | | | | | | | | | | | | | | |
 Asn Gln Lys Val Val Ile Asp His Arg Glu Val Ser Glu Lys Ile His (SID #2)

Phe Asn Pro Arg Phe Gly Ser Tyr Lys Glu Gly His Asn Tyr Glu Asn (SID #2)
 | | | | | | | | | | | | | | |
 Phe Asn Pro Arg Phe Gly Ser Tyr Lys Glu Gly His Asn Tyr Glu Asn (Email)

Asn His His Phe His Met Asn Thr Pro Lys Tyr Phe Leu (SID #2)
 | | | | | | | | | | | | | | |
 Asn His His Phe His Met Asn Thr Pro Lys Tyr Phe Leu (Email)

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UPS Uni

[Shipping](#) [Tracking](#) [Support](#) [Business Solutions](#)**Tracking**Log-In User ID: Password: | [Forgot Password](#)**→ Track by Tracking Number**[→ Track by E-mail](#)
[→ Import Tracking Numbers](#)**→ Track by Reference Number**[→ Track by Freight Tracking Number](#)
[→ Track by Freight Shipment Reference](#)**→ Track with Quantum View**[→ Sign Up for Signature Tracking](#)[→ Void a Shipment](#)[→ Help](#)**Track by Tracking Number****View Details**

Status: Delivered
Delivered on: 01/31/2006 3:22 P.M.
Location: FRONT DOOR
Delivered to: LOS ANGELES, CA, US
Shipped or Billed on: 01/27/2006

Tracking Number: 1Z A11 70R 37 1000 968 6
Service Type: 2ND DAY AIR
Weight: 1.00 Lb

Package Progress:

| Location | Date | Local Time | Activity |
|---------------------|------------|------------|------------------------------|
| LOS ANGELES, CA, US | 01/31/2006 | 3:22 P.M. | DELIVERY |
| | 01/31/2006 | 7:01 A.M. | OUT FOR DELIVERY |
| | 01/31/2006 | 5:30 A.M. | ARRIVAL SCAN |
| VERNON, CA, US | 01/31/2006 | 4:50 A.M. | DEPARTURE SCAN |
| VERNON, CA, US | 01/30/2006 | 10:17 P.M. | ARRIVAL SCAN |
| SAN DIEGO, CA, US | 01/30/2006 | 8:12 P.M. | DEPARTURE SCAN |
| | 01/30/2006 | 6:21 P.M. | ORIGIN SCAN |
| SAN DIEGO, CA, US | 01/27/2006 | 5:09 P.M. | PICKUP SCAN |
| US | 01/27/2006 | 8:00 P.M. | BILLING INFORMATION RECEIVED |

Tracking results provided by UPS: 03/15/2006 12:21 P.M. Eastern Time (USA)

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UPS CampusShip: View/Print Label

1.P rint the label(s): Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.

2.F old the printed label at the dotted line. Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.


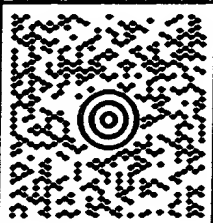
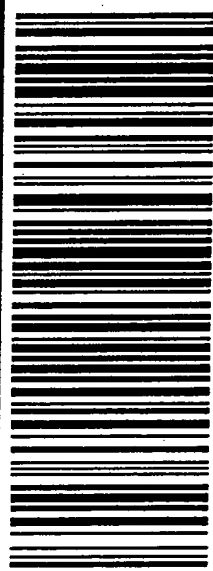


3.G ETTING YOUR SHIPMENT TO UPS**Customers without a Daily Pickup**

- o Schedule a same day or future day Pickup to have a UPS driver pickup all of your Internet Shipping packages.
- o Hand the package to any UPS driver in your area.
- o Take your package to The UPS Store™, Customer Center or Authorized Shipping Outlet.
- o Drop off your Air Shipments including Worldwide Express SM at one of our 50,000 UPS locations.

Customers with a Daily Pickup

- o Your driver will pickup your shipment(s) as usual.

FOLD HERE

| | | | |
|---|--|--|--|
| SHIP TO: MARY FARIS (310) 859-8508 2538 ALMADEN COURT LOS ANGELES CA 90077-2520 | | LTR 1 OF 1 | |
| GRACE YU 858-720-7972 MORRISON & FOERSTER LLP - SAN DIEGO 12531 HIGH BLUFF DRIVE SAN DIEGO CA 92130 | | CA 900 3-10  | |
|  | | UPS NEXT DAY AIR SAVER 1P TRACKING #: 1Z A11 70R 30 9638 4382 | |
| BILLING: P/P | |  | |
| Client/Matter/Atty#/Initials: 511582003500 | |  | |
| 511582003500 | | CS B.O.14.0 W000260 51.0A 01/2006 | |
|  | | | |

MORRISON | FOERSTER

12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO
CALIFORNIA 92130-2040

TELEPHONE: 858.720.5100
FACSIMILE: 858.720.5125

WWW.MOFO.COM

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NEW YORK, SAN FRANCISCO,
LOS ANGELES, PALO ALTO,
SAN DIEGO, WASHINGTON, D.C.
DENVER, NORTHERN VIRGINIA,
ORANGE COUNTY, SACRAMENTO,
WALNUT CREEK, CENTURY CITY
TOKYO, LONDON, BEIJING,
SHANGHAI, HONG KONG,
SINGAPORE, BRUSSELS

January 27, 2006

Writer's Direct Contact
(858) 720-7940
jmullen@mofo.com

VIA UPS

Dr. Mary Faris
2538 Almaden Court
Los Angeles, CA 90077

COPY

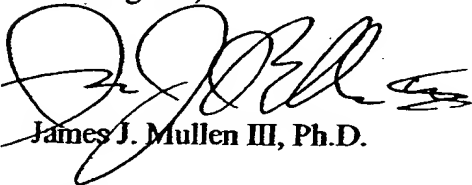
Re: US Patent Application Serial No. 09/809,638
For: 125P5C8: A TISSUE SPECIFIC PROTEIN HIGHLY EXPRESSED IN
VARIOUS CANCERS
By: Mary FARIS et al.
Our Reference: 51158-20035.00

Dear Dr. Faris:

Enclosed is a Declaration by Inventors under 37 C.F.R. § 1.131 in connection with the above-identified patent application. Please review the Declaration and if all is in order, sign and date where indicated, and return the document to us in the enclosed UPS return envelope.

This is an urgent matter. Accordingly, we would appreciate your prompt attention to the enclosed documents. I will be contacting you shortly to discuss the matter. In the meantime, if you have any questions or comments, please do not hesitate to contact us.

Best regards,



James J. Mullen III, Ph.D.

JJM/glyl
Enclosure

UPS Tracking No.: 1Z A11 7OR 37 1000 968 6

REMINDER

Resend on 2/14/06

sd-298661

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Patent Application of:

Mary FARIS, et al.

Application No.: 09/809,638

Filed: March 14, 2001

Title: 125P5C8: A TISSUE SPECIFIC PROTEIN
HIGHLY EXPRESSED IN VARIOUS
CANCERS

Art Unit: 1643

Examiner: A. Harris

DECLARATION BY INVENTORS

UNDER 37 C.F.R. § 1.131

Amendment
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Sir:

We, the undersigned, declare as follows:

1. We are co-inventors of claims 1, 14 and 23, currently pending in the above-
mentioned application. The claims relate to an isolated 125P5C8 protein comprising the sequence
SEQ ID NO: 2 or a polynucleotide sequence encoding the codons for SEQ ID NO: 2, which is
defined by the nucleotide sequence of SEQ ID NO:1.
2. The Office rejected claims 1, 14 and 23 as allegedly being anticipated by WO
0539 A2, which was filed March 5, 2002. This PCT application claims priority to U.S.
Application No. 09/799,451, which was filed March 5, 2001, and is now U.S. Patent No. 6,783,989.

copy of WO 200270539 was submitted in an Information Disclosure Statement provided in this application mailed on April 5, 2001. This document discloses sequence 1397 which is identical to SEQ ID NO: 2 of the present application.

3. We reduced the claimed invention to practice in the United States prior to the date U.S. Patent No. 6,783,989 was filed (March 5, 2001).

4. This reduction to practice is evidenced by a true and accurate copy of an email message sent to various members of the scientific staff by inventor Steve C. Mitchell on January 3, 2001. The email provides the nucleic acid and amino acid sequences of the material encompassed by the claims in the above-referenced patent application. A copy of this email is provided as Exhibit A.

5. The nucleotide sequence disclosed in Exhibit A consists of 2,103 nucleotides and 703 amino acids.

6. Exhibit B shows a comparison of the nucleotide sequence of SEQ ID NO:1 and the nucleotide sequence disclosed in Exhibit A. Every single nucleotide disclosed in SEQ ID NO:1 is present in the nucleotide sequence disclosed in Exhibit A. Accordingly, the email of Exhibit A clearly demonstrates that the nucleotide sequence of SEQ ID NO:1 was in our possession prior to the earliest priority date to which WO 200270539 (the cited art) is entitled to claim.

7. Exhibit C shows a comparison of the amino acid sequence of SEQ ID NO:2 and the amino acid sequence disclosed in Exhibit A. Every single amino acid residue disclosed in SEQ ID NO:2 is present in the amino acid sequence disclosed in Exhibit A. Accordingly, the email of Exhibit A clearly demonstrates that the amino acid sequence of SEQ ID NO:2 was in our possession prior to the earliest priority date to which WO 200270539 (the cited art) is entitled to claim.

8. In view of the email provided as Exhibit A and the analysis of the sequences disclosed therein and shown in Exhibits B and C, we declare that the invention of the pending claims was reduced to practice in the United States prior to March 5, 2001, the earliest priority date available to the cited document.

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued hereon.

| | Executed at | |
|-------|--------------|-------------------------|
| _____ | (City/State) | Aya JAKOBOVITS |
| _____ | (City/State) | Daniel E.H. AFAR |
| _____ | (City/State) | Steve Chappell MITCHELL |
| _____ | (City/State) | Pia M. CHALLITA-EID |
| _____ | (City/State) | Arthur B. RAITANO |
| _____ | (City/State) | Mary FARIS |

Exhibit B

A Comparison of SEQ ID NO.:1 and the Nucleotide Sequence of the Email

atgacctcgc tgtggagaga aatcctcttg gagtcgctgc tgggatgtgt ttcttggtct SID#1
||||| ||||| ||||| ||||| ||||| |||||
g atgacctcgc tgtggagaga aatcctcttg gagtcgctgc tgggatgtgt ttcttggtct Email

ctctaccatg acctgggacc gatgatctat tactttcctt tgcaaact agaactcact SID#1
||||| ||||| ||||| ||||| ||||| |||||
ctctaccatg acctgggacc gatgatctat tactttcctt tgcaaact agaactcact Email

gggcttgaag gttttagtagt agcatttctt tctccaatat tcttaacaat tactccttct SID#1
||||| ||||| ||||| ||||| ||||| |||||
gggcttgaag gttttagtagt agcatttctt tctccaatat tcttaacaat tactccttct Email

tggaaattgg ttaacaagaa gtggatgcta accctgctga ggataatcac tattggcagc SID#1
||||| ||||| ||||| ||||| ||||| |||||
tggaaattgg ttaacaagaa gtggatgcta accctgctga ggataatcac tattggcagc Email

atagcctcct tccaggtcc aaatgccaaa ctctgactga tggttcttgc gcttgggggtg SID#1
||||| ||||| ||||| ||||| ||||| |||||
atagcctcct tccaggtcc aaatgccaaa ctctgactga tggttcttgc gcttgggggtg Email

tcttctcac tgatagtga agctgtgact tgggtgctcg gaagtcattt gcaaaggtag SID#1
||||| ||||| ||||| ||||| ||||| |||||
tcttctcac tgatagtga agctgtgact tgggtgctcg gaagtcattt gcaaaggtag Email

ctcagaattt ggggattcat tttaggacag attgttcttg ttgttctacg catatggtat SID#1
||||| ||||| ||||| ||||| ||||| |||||
ctcagaattt ggggattcat tttaggacag attgttcttg ttgttctacg catatggtat Email

acttcaactaa acccaatctg gagttatcag atgtccaaca aagtgatact gacattaagt SID#1
||||| ||||| ||||| ||||| ||||| |||||
acttcaactaa acccaatctg gagttatcag atgtccaaca aagtgatact gacattaagt Email

ccatagcca cacttgatcg tattggcaca gatggtgact gcagtaaacc tgaagaaaag SID#1
||||| ||||| ||||| ||||| ||||| |||||
ccatagcca cacttgatcg tattggcaca gatggtgact gcagtaaacc tgaagaaaag Email

agactggtg aggtagccac ggggatggcc tctagacca actggctgct ggcaggggct SID#1
||||| ||||| ||||| ||||| ||||| |||||
agactggtg aggtagccac ggggatggcc tctagacca actggctgct ggcaggggct Email

cttttggtg gcttgtggt cctcaccac tgggtttttg gagaagtctc tcttgttcc SID#1
||||| ||||| ||||| ||||| ||||| |||||
cttttggtg gcttgtggt cctcaccac tgggtttttg gagaagtctc tcttgttcc Email

Exhibit B

A Comparison of SEQ ID NO.:1 and the Nucleotide Sequence of the Email

agatgggcag tgagtgggca tccacatcca gggccagatc ctaaccatt tggaggtgca SID#1
||||| ||||| ||||| ||||| ||||| |||||
agatgggcag tgagtgggca tccacatcca gggccagatc ctaaccatt tggaggtgca Email

gtactgctgt gcttggcaag tggattgatg cttccatctt gtttgtggtt tcgtggtact SID#1
||||| ||||| ||||| ||||| ||||| |||||
gtactgctgt gcttggcaag tggattgatg cttccatctt gtttgtggtt tcgtggtact Email

ggtttgatct ggtgggttac aggaacagct tcagctgcgg ggctccttta cctgcacaca SID#1
||||| ||||| ||||| ||||| ||||| |||||
ggtttgatct ggtgggttac aggaacagct tcagctgcgg ggctccttta cctgcacaca Email

tgggcagctg ctgtgtctgg ctgtgtcttc gccatcttta ctgcatccat gtggcccca SID#1
||||| ||||| ||||| ||||| ||||| |||||
tgggcagctg ctgtgtctgg ctgtgtcttc gccatcttta ctgcatccat gtggcccca Email

acacttgac accttattaa ctcagggaca aaccctggga aaaccatgac cattgccatg SID#1
||||| ||||| ||||| ||||| ||||| |||||
acacttgac accttattaa ctcagggaca aaccctggga aaaccatgac cattgccatg Email

atattttatc ttctagaaat atttttctgt gcctggtgca cagcttttaa gtttgtecca SID#1
||||| ||||| ||||| ||||| ||||| |||||
atattttatc ttctagaaat atttttctgt gcctggtgca cagcttttaa gtttgtecca Email

gaggtgtct acgctagaga aagatcagat gtgcttttgg ggacaatgat gttaattatc SID#1
||||| ||||| ||||| ||||| ||||| |||||
gaggtgtct acgctagaga aagatcagat gtgcttttgg ggacaatgat gttaattatc Email

ggctgaata tgctatttgg tcctaagaaa aaccttgact tgcttcttca aacaaaaaac SID#1
||||| ||||| ||||| ||||| ||||| |||||
ggctgaata tgctatttgg tcctaagaaa aaccttgact tgcttcttca aacaaaaaac Email

ttctaaag tgcttttcag aaagagtga aaatacatga aacttttct gtggctgctt SID#1
||||| ||||| ||||| ||||| ||||| |||||
ttctaaag tgcttttcag aaagagtga aaatacatga aacttttct gtggctgctt Email

tggtgtgg gattgttggg attaggacta cggcataaag cctatgagag aaaactgggc SID#1
||||| ||||| ||||| ||||| ||||| |||||
tggtgtgg gattgttggg attaggacta cggcataaag cctatgagag aaaactgggc

Exhibit B

A Comparison of SEQ ID NO.:1 and the Nucleotide Sequence of the Email

aaagtggcac caaccaaaga ggtctctgct gccatctggc ctttcagggt tggatatgac SID#1
||||| ||||||| ||||||| ||||||| ||||||| |||||||
aaagtggcac caaccaaaga ggtctctgct gccatctggc ctttcagggt tggatatgac Email

aatgaagggt ggtctagtct agaaagatca gctcacctgc tcaatgaaac aggtgcagat SID#1
||||| ||||||| ||||||| ||||||| ||||||| |||||||
aatgaagggt ggtctagtct agaaagatca gctcacctgc tcaatgaaac aggtgcagat Email

ttcataacaa ttttggagag tgatgcttct aagccctata tggggaacaa tgacttaacc SID#1
||||| ||||||| ||||||| ||||||| ||||||| |||||||
ttcataacaa ttttggagag tgatgcttct aagccctata tggggaacaa tgacttaacc Email

atgtggctag gggaaaagtt gggtttctat acagactttg gtccaagcac aaggatcac SID#1
||||| ||||||| ||||||| ||||||| ||||||| |||||||
atgtggctag gggaaaagtt gggtttctat acagactttg gtccaagcac aaggatcac Email

acttggggga ttatggcttt gtcaagatac ccaattgtga aatctgagca tcaccttctt SID#1
||||| ||||||| ||||||| ||||||| ||||||| |||||||
acttggggga ttatggcttt gtcaagatac ccaattgtga aatctgagca tcaccttctt Email

cgcgcaccag agggcgagat cgcaccagcc atcacattga ccgttaacat ttcgggcaag SID#1
||||| ||||||| ||||||| ||||||| ||||||| |||||||
cgcgcaccag agggcgagat cgcaccagcc atcacattga ccgttaacat ttcgggcaag Email

tggtggatt ttgtcgtgac acactttggg aaccacgaag atgacctcga caggaaactg SID#1
||||| ||||||| ||||||| ||||||| ||||||| |||||||
tggtggatt ttgtcgtgac acactttggg aaccacgaag atgacctcga caggaaactg Email

aggctattg ctgtttcaaa actactgaaa agtagctcta atcaagtga atttctggga SID#1
||||| ||||||| ||||||| ||||||| ||||||| |||||||
aggctattg ctgtttcaaa actactgaaa agtagctcta atcaagtga atttctggga Email

atatcactt cagcacctgg ctccagagat tatctacagc tcaactgaaca tggcaatgtg SID#1
||||| ||||||| ||||||| ||||||| ||||||| |||||||
atatcactt cagcacctgg ctccagagat tatctacagc tcaactgaaca tggcaatgtg Email

ggatatcg acagactga tcatgacaga tgggtgtgaat acattatgta tcgagggctg SID#1
||||| ||||||| ||||||| ||||||| ||||||| |||||||
ggatatcg acagactga tcatgacaga tgggtgtgaat acattatgta tcgagggctg Email

caggttgg gttatgcaag aatctcccat gctgaactga gtgattcaga aattcagatg SID#1
||||| ||||||| ||||||| ||||||| ||||||| |||||||
caggttgg gttatgcaag aatctcccat gctgaactga gtgattcaga aattcagatg

Exhibit B**A Comparison of SEQ ID NO.:1 and the Nucleotide Sequence of the Email**

gcaaaattta ggatccctga tgacccact aattatagag acaaccagaa agtgggcata SID#1
||||||| ||||||| ||||||| ||||||| ||||||| |||||||
gcaaaattta ggatccctga tgacccact aattatagag acaaccagaa agtgggcata Email

gaccacagag aagtttctga gaaaattcat tttaatccca gatttggatc ctacaaagaa SID#1
||||||| ||||||| ||||||| ||||||| ||||||| |||||||
gaccacagag aagtttctga gaaaattcat tttaatccca gatttggatc ctacaaagaa Email

ggacacaatt atgaaaacaa ccatcatttt catatgaata ctcccaaata ctttttatga SID#1
||||||| ||||||| ||||||| ||||||| ||||||| |||||||
ggacacaatt atgaaaacaa ccatcatttt catatgaata ctcccaaata ctttttatga Email

aac SID#1
|||
aac Email

Exhibit C**A Comparison of SEQ ID NO.:2 and the Nucleotide Sequence of the Email**

Met Thr Ser Leu Trp Arg Glu Ile Leu Leu Glu Ser Leu Leu Gly (SID #2)
| | | | | | | | | | | | | |
Met Thr Ser Leu Trp Arg Glu Ile Leu Leu Glu Ser Leu Leu Gly (Email)

Cys Val Ser Trp Ser Leu Tyr His Asp Leu Gly Pro Met Ile Tyr Tyr (SID #2)
| | | | | | | | | | | | | |
Cys Val Ser Trp Ser Leu Tyr His Asp Leu Gly Pro Met Ile Tyr Tyr (Email)

Phe Pro Leu Gln Thr Leu Glu Leu Thr Gly Leu Glu Gly Phe Ser Ile (SID #2)
| | | | | | | | | | | | | |
Phe Pro Leu Gln Thr Leu Glu Leu Thr Gly Leu Glu Gly Phe Ser Ile (Email)

Ala Phe Leu Ser Pro Ile Phe Leu Thr Ile Thr Pro Phe Trp Lys Leu (SID #2)
| | | | | | | | | | | | | |
Ala Phe Leu Ser Pro Ile Phe Leu Thr Ile Trp Pro Phe Trp Lys Leu (Email)

Val Asn Lys Lys Trp Met Leu Thr Leu Leu Arg Ile Ile Thr Ile Gly (SID #2)
| | | | | | | | | | | | | |
Val Asn Lys Lys Trp Met Leu Thr Leu Leu Arg Ile Ile Thr Ile Gly (Email)

Ser Ile Ala Ser Phe Gln Ala Pro Asn Ala Lys Leu Arg Leu Met Val (SID #2)
| | | | | | | | | | | | | |
Ser Ile Ala Ser Phe Gln Ala Pro Asn Ala Lys Leu Arg Leu Met Val (Email)

Leu Ala Leu Gly Val Ser Ser Ser Leu Ile Val Gln Ala Val Thr Trp (SID #2)
| | | | | | | | | | | | | |
Leu Ala Leu Gly Val Ser Ser Ser Leu Ile Val Gln Ala Val Thr Trp (Email)

Trp Ser Gly Ser His Leu Gln Arg Tyr Leu Arg Ile Trp Gly Phe Ile (SID #2)
| | | | | | | | | | | | | |
Trp Ser Gly Ser His Leu Gln Arg Tyr Leu Arg Ile Trp Gly Phe Ile (Email)

Leu Gly Gln Ile Val Leu Val Val Leu Arg Ile Trp Tyr Thr Ser Leu (SID #2)
| | | | | | | | | | | | | |
Leu Gly Gln Ile Val Leu Val Val Leu Arg Ile Trp Tyr Thr Ser Leu (Email)

Asn Pro Ile Trp Ser Tyr Gln Met Ser Asn Lys Val Ile Leu Thr Leu (SID #2)
| | | | | | | | | | | | | |
Asn Pro Ile Trp Ser Tyr Gln Met Ser Asn Lys Val Ile Leu Thr Leu (Email)

Ser Ala Ile Ala Thr Leu Asp Arg Ile Gly Thr Asp Gly Asp Cys Ser (SID #2)
| | | | | | | | | | | | | |
Ser Ala Ile Ala Thr Leu Asp Arg Ile Gly Thr Asp Gly Asp Cys Ser (Email)

Exhibit C

A Comparison of SEQ ID NO.:2 and the Nucleotide Sequence of the Email

Lys Pro Glu Glu Lys Lys Thr Gly Glu Val Ala Thr Gly Met Ala Ser (SID #2)
| | | | | | | | | | | | | | | |
Lys Pro Glu Glu Lys Lys Thr Gly Glu Val Ala Thr Gly Met Ala Ser (Email)

Arg Pro Asn Trp Leu Leu Ala Gly Ala Ala Phe Gly Ser Leu Val Phe (SID #2)
| | | | | | | | | | | | | | | |
Arg Pro Asn Trp Leu Leu Ala Gly Ala Ala Phe Gly Ser Leu Val Phe (Email)

Leu Thr His Trp Val Phe Gly Glu Val Ser Leu Val Ser Arg Trp Ala (SID #2)
| | | | | | | | | | | | | | | |
Leu Thr His Trp Val Phe Gly Glu Val Ser Leu Val Ser Arg Trp Ala (Email)

Val Ser Gly His Pro His Pro Gly Pro Asp Pro Asn Pro Phe Gly Gly (SID #2)
| | | | | | | | | | | | | | | |
Val Ser Gly His Pro His Pro Gly Pro Asp Pro Asn Pro Phe Gly Gly (Email)

Ala Val Leu Leu Cys Leu Ala Ser Gly Leu Met Leu Pro Ser Cys Leu (SID #2)
| | | | | | | | | | | | | | | |
Ala Val Leu Leu Cys Leu Ala Ser Glu Leu Met Leu Pro Ser Cys Leu (Email)

Trp Phe Arg Gly Thr Gly Leu Ile Trp Trp Val Thr Gly Thr Ala Ser (SID #2)
| | | | | | | | | | | | | | | |
Trp Phe Arg Gly Thr Gly Leu Ile Trp Trp Val Thr Gly Thr Ala Ser (Email)

Ile Ala Gly Leu Leu Tyr Leu His Thr Trp Ala Ala Ala Val Ser Gly (SID #2)
| | | | | | | | | | | | | | | |
Ile Ala Gly Leu Leu Tyr Leu His Thr Trp Ala Ala Ala Val Ser Gly (Email)

Val Phe Ala Ile Phe Thr Ala Ser Met Trp Pro Gln Thr Leu Gly (SID #2)
| | | | | | | | | | | | | | | |
Val Phe Ala Ile Phe Thr Ala Ser Met Trp Pro Gln Thr Leu Gly (Email)

Leu Ile Asn Ser Gly Thr Asn Pro Gly Lys Thr Met Thr Ile Ala (SID #2)
| | | | | | | | | | | | | | | |
Leu Ile Asn Ser Gly Thr Asn Pro Gly Lys Thr Met Thr Ile Ala (Email)

Ile Phe Tyr Leu Leu Glu Ile Phe Phe Cys Ala Trp Cys Thr Ala (SID #2)
| | | | | | | | | | | | | | | |
Ile Phe Tyr Leu Leu Glu Ile Phe Phe Cys Ala Trp Cys Thr Ala (Email)

Lys Phe Val Pro Gly Gly Val Tyr Ala Arg Glu Arg Ser Asp Val (SID #2)
| | | | | | | | | | | | | | | |
Lys Phe Val Pro Gly Gly Val Tyr Ala Arg Glu Arg Ser Asp Val (Email)

Exhibit C**A Comparison of SEQ ID NO.:2 and the Nucleotide Sequence of the Email**

Leu Leu Gly Thr Met Met Leu Ile Ile Gly Leu Asn Met Leu Phe Gly (SID #2)
 | | | | | | | | | | | | | |
 Leu Leu Gly Thr Met Met Leu Ile Ile Gly Leu Asn Met Leu Phe Gly (Email)

Pro Lys Lys Asn Leu Asp Leu Leu Leu Gln Thr Lys Asn Ser Ser (SID #2)
 | | | | | | | | | | | | | |
 Pro Lys Lys Asn Leu Asp Leu Leu Leu Gln Thr Lys Asn Ser Ser (Email)

Lys Val Leu Phe Arg Lys Ser Glu Lys Tyr Met Lys Leu Phe Leu Trp (SID #2)
 | | | | | | | | | | | | | |
 Lys Val Leu Phe Arg Lys Ser Glu Lys Tyr Met Lys Leu Phe Leu Trp (Email)

Leu Leu Val Gly Val Gly Leu Leu Gly Leu Gly Leu Arg His Lys Ala (SID #2)
 | | | | | | | | | | | | | |
 Leu Leu Val Gly Val Gly Leu Leu Gly Leu Gly Leu Arg His Lys Ala (Email)

Tyr Glu Arg Lys Leu Gly Lys Val Ala Pro Thr Lys Glu Val Ser Ala Ala (SID #2)
 | | | | | | | | | | | | | |
 Tyr Glu Arg Lys Leu Gly Lys Val Ala Pro Thr Lys Glu Val Ser Ala Ala (Email)

Ile Trp Pro Phe Arg Phe Gly Tyr Asp Asn Glu Gly Trp Ser Ser (SID #2)
 | | | | | | | | | | | | | |
 Ile Trp Pro Phe Arg Phe Gly Tyr Asp Asn Glu Gly Trp Ser Ser (Email)

Leu Glu Arg Ser Ala His Leu Leu Asn Glu Thr Gly Ala Asp Phe Ile (SID #2)
 | | | | | | | | | | | | | |
 Leu Glu Arg Ser Ala His Leu Leu Asn Glu Thr Gly Ala Asp Phe Ile (Email)

Thr Ile Leu Glu Ser Asp Ala Ser Lys Pro Tyr Met Gly Asn Asn Asp (SID #2)
 | | | | | | | | | | | | | |
 Thr Ile Leu Glu Ser Asp Ala Ser Lys Pro Tyr Met Gly Asn Asn Asp (Email)

Leu Thr Met Trp Leu Gly Glu Lys Leu Gly Phe Tyr Thr Asp Phe Gly (SID #2)
 | | | | | | | | | | | | | |
 Leu Thr Met Trp Leu Gly Glu Lys Leu Gly Phe Tyr Thr Asp Phe Gly (Email)

Pro Ser Thr Arg Tyr His Thr Trp Gly Ile Met Ala Leu Ser Arg Tyr (SID #2)
 | | | | | | | | | | | | | |
 Pro Ser Thr Arg Tyr His Thr Trp Gly Ile Met Ala Leu Ser Arg Tyr (Email)

Pro Ile Val Lys Ser Glu His His Leu Leu Pro Ser Pro Glu Gly Glu (SID #2)
 | | | | | | | | | | | | | |
 Pro Ile Val Lys Ser Glu His His Leu Leu Pro Ser Pro Glu Gly Glu (Email)

Exhibit C

A Comparison of SEQ ID NO.:2 and the Nucleotide Sequence of the Email

Ile Ala Pro Ala Ile Thr Leu Thr Val Asn Ile Ser Gly Lys Leu Val (SID #2)
 | | | | | | | | | | | | | | |
 Ile Ala Pro Ala Ile Thr Leu Thr Val Asn Ile Ser Gly Lys Leu Val (Email)

Asp Phe Val Val Thr His Phe Gly Asn His Glu Asp Asp Leu Asp Arg (SID #2)
 | | | | | | | | | | | | | | |
 Asp Phe Val Val Thr His Phe Gly Asn His Glu Asp Asp Leu Asp Arg (Email)

Lys Leu Gln Ala Ile Ala Val Ser Lys Leu Leu Lys Ser Ser Ser Asn (SID #2)
 | | | | | | | | | | | | | | |
 Lys Leu Gln Ala Ile Ala Val Ser Lys Leu Leu Lys Ser Ser Ser Asn (Email)

Gln Val Ile Phe Leu Gly Tyr Ile Thr Ser Ala Pro Gly Ser Arg Asp (SID #2)
 | | | | | | | | | | | | | | |
 Gln Val Ile Phe Leu Gly Tyr Ile Thr Ser Ala Pro Gly Ser Arg Asp

Tyr Leu Gln Leu Thr Glu His Gly Asn Val Lys Asp Ile Asp Ser Thr (SID #2)
 | | | | | | | | | | | | | | |
 Tyr Leu Gln Leu Thr Glu His Gly Asn Val Lys Asp Ile Asp Ser Thr (Email)

Asp His Asp Arg Trp Cys Glu Tyr Ile Met Tyr Arg Gly Leu Ile Arg (SID #2)
 | | | | | | | | | | | | | | |
 Asp His Asp Arg Trp Cys Glu Tyr Ile Met Tyr Arg Gly Leu Ile Arg (Email)

Leu Gly Tyr Ala Arg Ile Ser His Ala Glu Leu Ser Asp Ser Glu Ile (SID #2)
 | | | | | | | | | | | | | | |
 Leu Gly Tyr Ala Arg Ile Ser His Ala Glu Leu Ser Asp Ser Glu Ile (Email)

Ile Met Ala Lys Phe Arg Ile Pro Asp Asp Pro Thr Asn Tyr Arg Asp (SID #2)
 | | | | | | | | | | | | | | |
 Ile Met Ala Lys Phe Arg Ile Pro Asp Asp Pro Thr Asn Tyr Arg Asp (Email)

Ile Gln Lys Val Val Ile Asp His Arg Glu Val Ser Glu Lys Ile His (SID #2)
 | | | | | | | | | | | | | | |
 Ile Gln Lys Val Val Ile Asp His Arg Glu Val Ser Glu Lys Ile His (SID #2)

Ile Asn Pro Arg Phe Gly Ser Tyr Lys Glu Gly His Asn Tyr Glu Asn (SID #2)
 | | | | | | | | | | | | | | |
 Ile Asn Pro Arg Phe Gly Ser Tyr Lys Glu Gly His Asn Tyr Glu Asn (Email)

Ile His His Phe His Met Asn Thr Pro Lys Tyr Phe Leu (SID #2)
 | | | | | | | | | | | | | | |
 Ile His His Phe His Met Asn Thr Pro Lys Tyr Phe Leu (Email)



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[→ Begin Your Shipment](#)[→ Help](#)Welcome, Grace Yu | [Logout](#)

Track by Tracking Number

View Details

To view Proof of Delivery, please select the link.

Status: Delivered [Proof of Delivery](#)  
Delivered on: 02/15/2006 6:04 P.M.
Location: FRONT DOOR
Delivered to: 2538 ALMADEN CT 
LOS ANGELES, CA, US 90077 
Shipped or Billed on: 02/14/2006
Tracking Number: 1Z A11 70R 30 9638 438 2
Reference Number(s):  511582003500, 511582003500, 511582003500
Service Type: NEXT DAY AIR SAVER

 Information and services provided to My UPS users.

Package Progress:

| Location | Date | Local Time | Activity |
|------------------------|------------|------------|------------------------------|
| LOS ANGELES, CA, US | 02/15/2006 | 6:04 P.M. | DELIVERY |
| | 02/15/2006 | 9:05 A.M. | OUT FOR DELIVERY |
| | 02/15/2006 | 9:00 A.M. | ARRIVAL SCAN |
| | 02/15/2006 | 7:52 A.M. | DEPARTURE SCAN |
| | 02/15/2006 | 6:05 A.M. | ARRIVAL SCAN |
| VERNON, CA, US | 02/15/2006 | 5:51 A.M. | DEPARTURE SCAN |
| | 02/15/2006 | 1:24 A.M. | ARRIVAL SCAN |
| SAN DIEGO, CA, US | 02/14/2006 | 10:42 P.M. | DEPARTURE SCAN |
| | 02/14/2006 | 9:00 P.M. | ORIGIN SCAN |
| | 02/14/2006 | 5:07 P.M. | PICKUP SCAN |
| US | 02/14/2006 | 6:15 P.M. | BILLING INFORMATION RECEIVED |

Tracking results provided by UPS: 03/15/2006 12:28 P.M. Eastern Time (USA)

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Yu, Grace L.

From: Yu, Grace L.
Sent: Monday, February 06, 2006 4:53 PM
To: 'Popp, Shane'
Cc: Mullen, James J.
Subject: 35.00 Declaration

Hi Shane,

Just wanted to let you know that Dr. Afar has executed and returned the Declaration. As for Dr. Faris, I left a voice-message at her residence and will follow-up accordingly. I'm keep a log of my efforts in case we are unable to obtain her signature.

Thanks,
Grace

*Grace Yu
Patent Legal Secretary
Morrisson & Foerster LLP
2531 High Bluff Drive, Suite 100
San Diego, CA 92130
(619) 720-7972*

Yu, Grace L.

From: Yu, Grace L.
Sent: Tuesday, February 07, 2006 3:27 PM
To: Mullen, James J.
Subject: 35.00 Dec

called Dr. Faris to follow-up on my message of yesterday. There was no answer, so I left a second message.

Grace

*Grace Yu
Patent Legal Secretary
Morrison & Foerster LLP
2531 High Bluff Drive, Suite 100
San Diego, CA 92130
(858) 720-7972*

Yu, Grace L.

From: Yu, Grace L.
Sent: Monday, February 13, 2006 4:51 PM
To: Mullen, James J.
Subject: RE: Please call Dr. Faris

Works for me.

-----Original Message-----

From: Mullen, James J.
Sent: Monday, February 13, 2006 4:51 PM
To: Yu, Grace L.
Subject: RE: Please call Dr. Faris

If you send it out tomorrow, the 14th, I want it at her door when she comes home at 6PM Wednesday. However much that costs.

-----Original Message-----

From: Mullen, James J.
Sent: Monday, February 13, 2006 4:50 PM
To: Yu, Grace L.
Subject: RE: Please call Dr. Faris

Overnight.

-----Original Message-----

From: Yu, Grace L.
Sent: Monday, February 13, 2006 4:49 PM
To: Mullen, James J.
Subject: RE: Please call Dr. Faris

I called and left another message.

You want to do the registered mail via the USPS? Or another 2 day via UPS?

-----Original Message-----

From: Mullen, James J.
Sent: Monday, February 13, 2006 9:30 AM
To: Yu, Grace L.
Cc: Shane M. Popp J.D., LL.M. (spopp@agensys.com)
Subject: FW: Please call Dr. Faris

Please call Dr. Faris again. Also, please send another copy of the declaration to her by certified mail. I want to file the petition to proceed without her by the end of the week, assuming she doesn't respond.

Jim

-----Original Message-----

From: Yu, Grace L.
Sent: Thursday, February 09, 2006 5:44 PM
To: Mullen, James J.
Subject: RE: Please call Dr. Faris

Yup. I'll make a note tomorrow.

-----Original Message-----

From: Mullen, James J.
Sent: Thursday, February 09, 2006 5:42 PM
To: Yu, Grace L.
Subject: RE: Please call Dr. Faris

Thanks. Message again?

-----Original Message-----

From: Yu, Grace L.
Sent: Thursday, February 09, 2006 5:41 PM
To: Mullen, James J.
Subject: RE: Please call Dr. Faris

Done.

-----Original Message-----

From: Mullen, James J.
Sent: Thursday, February 09, 2006 3:40 PM
To: Yu, Grace L.
Subject: Please call Dr. Faris

I'd like for you to call as close to your departure time as possible.

James J. Mullen III, Ph.D.
Patent Attorney
Morrison & Foerster LLP
12531 High Bluff Drive
Suite 100
San Diego, CA 92130
Direct: (858) 720-7940
Fax: (858) 523-2832
<mailto:jmullen@mofo.com>

**"The patent system added the fuel of interest to the
fire of genius."**

- Abraham Lincoln

Yu, Grace L.

From: Yu, Grace L.
Sent: Wednesday, March 15, 2006 11:48 AM
To: Mullen, James J.
Subject: Mary Faris

FYI: I forgot to mention to you that I made a fifth and final attempt to contact Dr. Faris about the execution of the 1.131 Declaration on February 23rd, 2006.

Grace Yu
Patent Legal Secretary
Morrison & Foerster LLP
12531 High Bluff Drive, Suite 100
San Diego, CA 92130
(858) 720-7972



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LOS ANGELES, CA 90045

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ASSIGNOR:

FARIS, MARY

DOC DATE: 06/06/2001

ASSIGNOR:

CHALLITA-EID, PIA M.

DOC DATE: 06/08/2001

ASSIGNOR:

MITCHELL, STEVE CHAPPELL

DOC DATE: 06/06/2001

ASSIGNOR:

AFAR, DANIEL E.H.

DOC DATE: 05/23/2001

ASSIGNOR:

RAITANO, ARTHUR B. OCT 19 2001

DOC DATE: 06/06/2001

ASSIGNOR:

JAKOBOVITS, AYA

DOC DATE: 05/31/2001

ASSIGNEE:

UROGENESYS, INC.
1701 COLORADO AVENUE
SANTA MONICA, CALIFORNIA 90404

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WOMING...
SAN DIEGO

NOW

012044/0106 PAGE 2

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PATENT NUMBER:

FILING DATE: 03/14/2001
ISSUE DATE:

JOANN STEWART, EXAMINER
ASSIGNMENT DIVISION
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Name of conveying party(ies):

- 8-6-01
- 1) Mary Faris
 - 2) Pia M. Challita-Eid
 - 3) Steve Chappell Mitchell
 - 4) Daniel E.H. Afar
 - 5) Arthur B. Raitano
 - 6) Aya Jakobovits

Additional name(s) of conveying party(ies) attached? ☒ No

2. Name and address of receiving party(ies):

UroGenesys, Inc.
1701 Colorado Avenue
Santa Monica, CA 90404

Additional name(s) & address(es) attached? ☒ No

AUG - 6 2001

Nature of conveyance:

Assignment

Filing Date: (1) June 6, 2001, (2) June 8, 2001, (3) June 6, 2001, (4) May 23, 2001, (5) June 6, 2001, (6) May 31, 2001

Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

Parent Application No.(s)

B. Patent No.(s)

Application Serial No. 09/809,638 filed March 14, 2001

Additional numbers attached? ☒ NoName and address of party to whom correspondence concerning
this application should be mailed:

ss: Karen S. Canady
GATES & COOPER LLP
6701 Center Drive West, Suite 1050
Los Angeles, CA 90045

6. Total number of applications and patents involved: One

7. Total fee (37 CFR 3.41): \$40

☒ Assignment recordation fee is to be charged to a Credit Card. Form PTO-2038 Credit Card Payment Form is enclosed.

8. Please charge any additional fees or credit any overpayments to Deposit Account No. 50-0494.

DO NOT USE THIS SPACE

Statement and signature:

I, the undersigned, declare under oath that the foregoing information is true and correct and any attached copy is a true copy of the original document.

S. Canady
of Person Signing

Signature

July 30, 2001

Date

Total number of pages including cover sheet, attachments, and document: Four

Do not detach this portion

If documents to be recorded with required cover sheet information to:

Director - United States Patent and Trademark Office
Box Assignment
Washington, D.C. 20231

The estimated burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of information systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.

LMUELLER 00000112 09809638

40.00

ASSIGNMENT

WHEREAS, Mary Faris, Pia M. Challita-Eid, Steve Chappell Mitchell, Daniel E.H. Afar, Arthur B. Raitano, and Aya Jakobovits (hereinafter "Assignor(s)"), made certain new and useful inventions and improvements which are entitled 125P5C8: A TISSUE SPECIFIC PROTEIN HIGHLY EXPRESSED IN VARIOUS CANCERS and which are disclosed in:

☒ U.S. Application Serial No. 09/809,638, filed on March 14, 2001

AND WHEREAS, UroGenesys, Inc., a corporation organized and existing under and by virtue of the laws of the State of California, and having an office and place of business at 1701 Colorado Avenue, Santa Monica, California 90404 (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

NOW THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, Assignor(s) have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the Assignee, its successors and assigns.

AND, for the consideration aforesaid, Assignor(s) do hereby agree that they and their executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to

Assignor(s) relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore Assignor(s) covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by Assignor(s) and that full right to convey the same as herein expressed is possessed by Assignor(s). An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

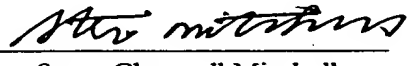
Date: 6.6.01

Signature: 
Name: Mary Faris

Date: 6/8/01

Signature: 
Name: Pia M. Challita-Eid

Date: 6/6/2001

Signature: 
Name: Steve Chappell Mitchell

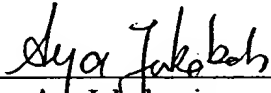
Date: _____

Signature: _____
Name: Daniel E.H. Afar

Date: 6/6/2001

Signature: 
Name: Arthur B. Raitano

Date: 5/31/01

Signature: 
Name: Aya Jakobovits

Assignor(s) relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore Assignor(s) covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by Assignor(s) and that full right to convey the same as herein expressed is possessed by Assignor(s). An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

Date: _____

Signature: _____
Name: Mary Faris

Date: _____

Signature: _____
Name: Pia M. Challita-Eid

Date: _____

Signature: _____
Name: Steve Chappell Mitchell

Date: May 23, 2001

Signature: 
Name: Daniel E.H. Afar

Date: _____

Signature: _____
Name: Arthur B. Raitano

Date: _____

Signature: _____
Name: Aya Jakobovits

G&C 129.35-US-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|--|-----------------|------------------|
| Applicant: | Mary Faris et al. | Examiner: | Not yet assigned |
| Serial No.: | 09/809,638 | Group Art Unit: | 1645 |
| Filed: | March 14, 2001 | Docket: | G&C 129.35-US-01 |
| Title: | 125P5C8: A TISSUE SPECIFIC PROTEIN HIGHLY EXPRESSED IN VARIOUS CANCERS | | |

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Director - United States Patent and Trademark Office, Washington, D.C. 20231 on July 30, 2001.

By: 
Name: Karen S. Canady

BOX ASSIGNMENT

Director - United States Patent and Trademark Office
Washington, D.C. 20231

Dear Sir:

We are transmitting herewith the attached:

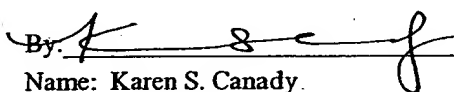
- ☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing under 37 CFR 1.8.
- ☒ Assignment of the invention to Agensys, Inc. and a corresponding Recordation Form Cover Sheet.
- ☒ PTO-2038 Credit Card Payment Form for the amount of \$40.00 for the Assignment Recordation Fee is enclosed herewith.
- ☒ Return postcard.

Please consider this a **PETITION FOR EXTENSION OF TIME** for a sufficient number of months to enter these papers, if appropriate.

Please charge any additional fees or credit any overpayment to Deposit Account No. 50-0494 of Gates & Cooper LLP. A duplicate of this paper is enclosed.

CUSTOMER NUMBER 22462.

GATES & COOPER LLP
Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, CA 90045
(310) 641-8797

By: 
Name: Karen S. Canady
Reg. No.: 39,927
KSC/sjm

(PTO TRANSMITTAL - GENERAL)

GATES & COOPER LLP

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

125P5C8: A TISSUE SPECIFIC PROTEIN HIGHLY EXPRESSED IN VARIOUS CANCERS

The specification of which:

a. ☐ is attached hereto.

b. ☒ was filed on **March 14, 2001** as United States Application Number **09/809,638** or PCT International Application Number _____ and was amended on _____ (if applicable), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT application having a filing date before that of the application on the basis of which priority is claimed:

a. ☒ no such applications have been filed.

b. ☐ such applications have been filed as follows:

| FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119 | | | |
|--|--------------------|--------------------------------------|-------------------------------------|
| COUNTRY | APPLICATION NUMBER | DATE OF FILING (day, month, year) | DATE OF ISSUE (day, month, year) |
| | | | |
| OTHER FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S) | | | |
| COUNTRY | APPLICATION NUMBER | DATE OF FILING (day, month, year) | DATE OF ISSUE (day, month, year) |
| | | | |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or 365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose

material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. PARENT APPLICATION OR PCT PARENT NUMBER | DATE OF FILING (day, month, year) | STATUS (patented, pending, abandoned) |
|---|--------------------------------------|--|
| | | |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

| U.S. PROVISIONAL APPLICATION NUMBER | DATE OF FILING (Day, Month, Year) |
|-------------------------------------|-----------------------------------|
| | |

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

| | |
|--------------------|-------------------------|
| George H. Gates | Registration No. 33,500 |
| Victor G. Cooper | Registration No. 39,641 |
| Karen S. Canady | Registration No. 39,927 |
| William J. Wood | Registration No. 42,236 |
| Jason S. Feldmar | Registration No. 39,187 |
| Bradley K. Lortz | Registration No. 45,472 |
| Timothy J. Lithgow | Registration No. 36,856 |

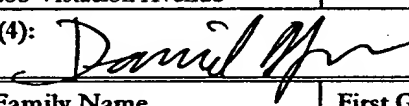
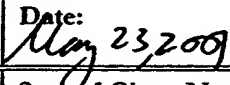
I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Gates & Cooper LLP to the contrary.

Please direct all correspondence in this case to the firm of Gates & Cooper LLP at the address indicated below:

GATES & COOPER LLP
Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, CA 90045

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | | |
|--|-------------------------|---|--|--|
| (1) | Full Name Of Inventor | Family Name FARIS | First Given Name MARY | Second Given Name |
| | Residence & Citizenship | City Los Angeles | State or Foreign Country California | Country of Citizenship U.S.A. |
| | Post Office Address | Post Office Address 2538 Almaden Court | City Los Angeles | State & Zip Code/Country California 90077/U.S.A. |
| Signature of Inventor(1): <i>[Signature]</i> | | | | Date: 6.6.01 |
| (2) | Full Name Of Inventor | Family Name CHALLITA-EID | First Given Name PIA | Second Given Name M. |
| | Residence & Citizenship | City Encino | State or Foreign Country California | Country of Citizenship LEBANON |
| | Post Office Address | Post Office Address 15745 Morrison Street. | City Encino | State & Zip Code/Country California 91436/U.S.A. |
| Signature of Inventor(2): <i>[Signature]</i> | | | | Date: |
| (3) | Full Name Of Inventor | Family Name MITCHELL | First Given Name STEVE | Second Given Name CHAPPELL |
| | Residence & Citizenship | City Santa Monica | State or Foreign Country California | Country of Citizenship U.S.A. |
| | Post Office Address | Post Office Address 2417-1/2 4th Street | City Santa Monica | State & Zip Code/Country California 90405/USA |
| Signature of Inventor(3): <i>[Signature]</i> | | | | Date: 6/6/2001 |
| (4) | Full Name Of Inventor | Family Name AFAR | First Given Name DANIEL | Second Given Name E.H. |
| | Residence & Citizenship | City Brisbane | State or Foreign Country California | Country of Citizenship CANADA |
| | Post Office Address | Post Office Address 435 Vistacion Avenue | City Brisbane | State & Zip Code/Country California 945005/U.S.A. |
| Signature of Inventor(4): | | | | Date: |
| (5) | Full Name Of Inventor | Family Name RAITANO | First Given Name ARTHUR | Second Given Name B. |
| | Residence & Citizenship | City Los Angeles | State or Foreign Country California | Country of Citizenship U.S.A. |
| | Post Office Address | Post Office Address 10807 Cushdon Avenue | City Los Angeles | State & Zip Code/Country California 90064/U.S.A. |
| Signature of Inventor(4): <i>[Signature]</i> | | | | Date: 6/6/2001 |

| | | | | |
|---|-------------------------|---|--|--|
| (1) | Full Name Of Inventor | Family Name FARIS | First Given Name MARY | Second Given Name |
| | Residence & Citizenship | City Los Angeles | State or Foreign Country California | Country of Citizenship U.S.A. |
| | Post Office Address | Post Office Address 2538 Almaden Court | City Los Angeles | State & Zip Code/Country California 90077/U.S.A. |
| Signature of Inventor(1): | | | | Date: |
| (2) | Full Name Of Inventor | Family Name CHALLITA-EID | First Given Name PLA | Second Given Name M. |
| | Residence & Citizenship | City Encino | State or Foreign Country California | Country of Citizenship LEBANON |
| | Post Office Address | Post Office Address 15745 Morrison Street. | City Encino | State & Zip Code/Country California 91436/U.S.A. |
| Signature of Inventor(2): | | | | Date: |
| (3) | Full Name Of Inventor | Family Name MITCHELL | First Given Name STEVE | Second Given Name CHAPPELL |
| | Residence & Citizenship | City Santa Monica | State or Foreign Country California | Country of Citizenship U.S.A. |
| | Post Office Address | Post Office Address 2417-1/2 4th Street | City Santa Monica | State & Zip Code/Country California 90405/USA |
| Signature of Inventor(3): | | | | Date: |
| (4) | Full Name Of Inventor | Family Name AFAR | First Given Name DANIEL | Second Given Name E.H. |
| | Residence & Citizenship | City Brisbane | State or Foreign Country California | Country of Citizenship CANADA |
| | Post Office Address | Post Office Address 435 Vistacion Avenue | City Brisbane | State & Zip Code/Country California 945005/U.S.A. |
| Signature of Inventor(4):  | | | | Date:  |
| (5) | Full Name Of Inventor | Family Name RAITANO | First Given Name ARTHUR | Second Given Name B. |
| | Residence & Citizenship | City Los Angeles | State or Foreign Country California | Country of Citizenship U.S.A. |
| | Post Office Address | Post Office Address 10807 Cushdon Avenue | City Los Angeles | State & Zip Code/Country California 90064/U.S.A. |
| Signature of Inventor(4): | | | | Date: |

| | | | | |
|--|------------------------------------|---|---|--|
| (6) | Full Name Of Inventor | Family Name JAKOBOVITS | First Given Name AYA | Second Given Name |
| | Residence & Citizenship | City Beverly Hills | State or Foreign Country California | Country of Citizenship U.S.A. |
| | Post Office Address | Post Office Address 3135 Hutton Drive | City Beverly Hills | State & Zip Code/Country California 90210/U.S.A. |
| Signature of Inventor(6): Aya Jakobovits | | | | Date: 5/21/01 |

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) it refutes, or is inconsistent with, a position the applicant takes in:
 - (i) opposing an argument of unpatentability relied on by the Office, or
 - (ii) asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.